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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,275	06/15/2000	Janne parantainen	297-009504-US(PAR)	9365
2512 PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824	7590 12/20/2007		EXAMINER KIM, KEVIN	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/595,275

**Applicant(s)**

PARANTAINEN, JANNE

**Examiner**

Kevin Y. Kim

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. In view of the appeal brief filed on September 19, 2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

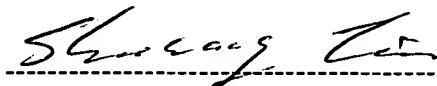
To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Shuwang Liu: SPE in AU 2611

A handwritten signature in cursive script, appearing to read "Shuwang Liu", is written over a horizontal dashed line.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1,4-6 have been considered but are moot in view of the new ground(s) of rejection.

Although it is believed that the US patent to Park (No. 6,920,602) teaches the subject matter claimed in claims 1,4-6 the rejection of claims based on the patent is withdrawn in light of

a new ground of rejection. The pending claims have been carefully reviewed and it was found that the scope of the invention defined by the claims is substantially the same as that defined by the claims filed April 28, 2004, the rejection of which was affirmed by the Board of Appeals and Interference on March 17, 2006. Specifically, although the step of "requesting a specific communication connection" of the pending claims is not explicitly recited in the amended claims of April 28, 2004, the step is inherently included in the amended claims because the invention is related to using a connection-specific communication. A connection specific communication means that a specific connection must be requested for each communication. Another seemingly different limitation is that the pending claims has an additional step of allocating a channel coding and/or interleaving scheme for independent application to said specific communication connection based, at least in part, on said desired Quality of Service parameters. However, when this step is read in combination of the next step of mapping said set of Quality of Service parameters to said allocated channel coding and/or interleaving as a part of the allocation of the channel coding and/or interleaving, the two steps essentially describes the same step of mapping in the amended claims of April 28, 2004. In other words, the same step is repeated twice. Both "allocating" step and "mapping" step are nothing but choosing a channel coding and/interleaving based on the desired Quality of Service parameters.

Since there is no patentable distinction between the pending claims and the amended claims of April 28, 2004, the pending claims are rejected under the same ground as set forth below.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Kronestedt et al (US 6,308,082 previously cited).

Claim 1.

The admitted prior art teaches a method for choosing a communication connection over a radio interface between a mobile terminal and a base station of a cellular packet radio system comprises the step of:

generating and communicating a request message at the mobile terminal to the decision-making device, said request message indicating a need for setting up a new radio bearer between the mobile terminal and the base station or changing the characteristics of an existing radio bearer between the mobile terminal and the base station (see page 5, lines 32-34 of the specification of the present application) and indicating a certain set of Quality of Service parameters selected by the mobile terminal based on an expected use of the specific communication connection for independent application to the specific connection (see page 5, lines 32-34 of the specification of the present application).

The admitted prior art does not teach the steps of "allocating a channel coding and/or interleaving scheme for independent application to said specific communication connection based, at least in part, on said desired Quality of Service parameters," "mapping said set of Quality of Service parameters to said allocated channel coding and/or interleaving as a part of the allocation of the channel coding and/or interleaving" and "communicating said allocated channel coding and/or

interleaving scheme to the base station and the terminal for them independently to apply said first channel coding and/or interleaving scheme in said specific communication connection".

Kronstedt discloses communicating a request message to the decision-making device (col. 3, lines 53-56), said request message indicating a certain set of Quality of Service parameters associated with certain specific communication connection (col. 3, lines 56-61), mapping said set of Quality of Service parameters to a certain first channel coding and/or interleaving scheme as a part of the connection-specific channel coding and/or interleaving scheme allocation made by the decision-making device (46 in Fig. 4, also see col. 4, lines 30-34, col. 2, lines 60-62, col. 5, lines 24-30) and communicating said first channel coding and/or interleaving scheme to the base station and the terminal for them to independently apply said first channel coding and/or interleaving scheme in said specific communication connection (44 in Fig. 4, col. 4, lines 35-36, col. 5, lines 16-20).

Kronstedt et al further teach that a good quality link needs little or no channel coding to achieve an acceptable BER. On the other hand, in order to achieve an acceptable BER, a poor connection may need a higher channel-coding rate (col. 1, lines 37-42). Therefore, it is advantageous to use a link adaptation algorithm that adaptively chooses, from multiple coding schemes, the one channel coding scheme that achieves the highest throughput based on the time varying quality of the link (col. 1, lines 43-59). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the steps of "allocating a channel coding and/or interleaving scheme for independent application to said specific communication connection, " "mapping said set of Quality of Service parameters to said allocated channel coding and/or interleaving scheme as a part of the allocation of the channel

coding and/or interleaving scheme" and "communicating said first channel coding and/or interleaving scheme to the base station and the terminal for them to apply said first channel coding and/or interleaving scheme in said first communication connection" into the communication connection method of the admitted prior art, so as to achieve highest throughput that is adapted to the link quality.

Claims 4 and 5.

The claimed limitation of communicating a request message in response to an observed need is inherent since a request message would not be sent if it were not needed to establish or re-establish a communication connection.

Claim 6.

This claim recites equivalent limitations as in claim 1, and is therefore rejected for the reason applied to claim 1 above.

***Allowable Subject Matter***

5. Claims 2 and 3 are objected to as being dependent upon a rejected base claim; but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 18, 2007

AU 2611

**KEVIN KIM**  
**PRIMARY PATENT EXAMINER**

